

activating a motor of the automatic bread making machine to mix the ingredients to form a quantity of dough;

removing the quantity of dough from the machine;

dividing the quantity of dough into a plurality of portions;

placing the plurality of portions of dough onto a plurality of trays coupled to and supported by opposing sidewalls of a frame in vertically spaced relation to each other;

B4 inserting the frame and trays coupled thereto into a baking chamber of the automatic bread making machine;

activating a heating element of the automatic bread making machine to bake the plurality of portions of dough; and

removing the baked dough away from the frame through a permanent opening of the frame, the opening having dimensions sufficient to permit at least one of the trays to be passed through the opening while oriented in a substantially horizontal position.

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#### REMARKS

Applicant requests reconsideration of the application in view of the foregoing amendments and following remarks. Claims 1, 6, 11, and 16 have been amended. Claims 1-17 are currently pending in this application.

#### *35 U.S.C. Section 102(b) Issues*

In a final Office Action in the parent application, the Examiner rejected claims 1-3 and 5 as being anticipated by Kelsey (U.S. Patent No. 519,580). Kelsey discloses a structure for submerging edibles in hot cooking material, such as hot fat. (Kelsey, col. 1, lines 15-30). A plurality of substantially rectangular "shelves" *g* are each removably coupled to four "uprights" *b, b'* of a frame and disposed in a space between the uprights. (*Id.*, Fig. 1 & col. 2, lines 53-58; col. 3, lines 47-50). The shelves *g* are removably coupled to the uprights in a horizontal position by being slidably engaged with brackets *f* on the uprights *b, b'*. (*Id.*, Fig. 2 & col. 3, lines 30-32). One of the uprights *b'* is connected to the rest of the frame by a hinge *b*<sup>2</sup>, which allows the upright *b'* to swing open about the hinge *b*<sup>2</sup>. (*Id.*, Figs. 2 and 3 & col. 2, lines 60-64). Swinging

the upright *b'* open provides an adequate opening to allow the shelves *g* to be removed from the frame while disposed horizontally, which is necessary to slide the shelves out from the brackets *f*. In another embodiment disclosed in Kelsey, the upright *b'* has pivoting connections *b<sup>5</sup>* and *b<sup>6</sup>* that also allow the upright *b'* to be displaced in order to provide an adequate opening for horizontal removal of the shelves. (*Id.*, Fig. 4 & cols. 2 and 3, lines 97-105 and 1-5).

Applicant's claim 1, as amended, includes the limitation of a permanent opening in the frame -- i.e. rather than an opening that is provided after displacement of an upright, as in Kelsey -- with dimensions sufficient to allow a tray to be passed through the permanent opening while oriented in a substantially horizontal position. Thus, in some embodiments of applicant's baking rack wherein the trays are removably coupled to the sidewalls, the trays can be removed from or inserted into the frame, through the permanent opening, without tilting the trays. This allows a user to avoid spilling items supported by the trays, such as dough, while passing removable trays into and out of the frame. Applicant's claimed configuration is not taught or suggested by Kelsey and applicant respectfully submits that claim 1 and claims 2-5 that depend therefrom, are in condition for allowance.

The Examiner rejected claims 1-10 as being anticipated by Chadwick et al (U.S. Patent No. 2,671,004). Chadwick discloses horizontal racks 25 coupled to upright "rack guides" 10. (Chadwick, Fig. 1 & col. 2, lines 25-29; col. 3, lines 28-30). The rack guides 10 are used in an oven structure 1 and are disposed therein by being directly coupled to a fixed bottom member 5 of the oven. (*Id.*, Fig. 1 & col. 2, lines 17-24). As can be seen in Fig. 2 of Chadwick, the rack guides 10 are removed from or placed within the oven structure 1 independently from one another and from the horizontal racks 25 and the bottom member 5 of the oven structure 1, to allow cleaning of the oven sidewalls. (*Id.* Fig. 2 & col. 3, lines 1-4). Furthermore, given the method required to insert and remove the rack guides (see Chadwick, col. 3, ll. 1-27), it is impossible to insert and remove the two rack guides and racks as a unit. There is also no motivation in Chadwick to do so. Also, "bottom member 5" is a fixed part of the oven, and is not part of a rack system that is selectively placed into and removed from the oven.

Independent claims 1 and 6 of the present application, as amended, each include the limitation that the frame of applicant's invention, including a base member and sidewalls, can be selectively placed into and removed from a baking chamber as a unit. Applicant respectfully

submits that the components that the Examiner identified as a base member (i.e. bottom member 5) and sidewalls (i.e. rack guides 10) in Chadwick, are not selectively placed into and removed from the baking chamber (i.e. oven structure 1) as a unit, as discussed above. Therefore, applicant respectfully submits that claims 1 and 6 and claims 2-5 and 7-10 that depend therefrom, are not taught or suggested by Chadwick.

### *35 U.S.C. 103(a) Issues*

The Examiner rejected claims 11-17 as being obvious over Barradas (U.S. Patent No. 5,445,061) in view of Kelsey. Independent claims 11 and 16, as amended, include the limitation that the frame of applicant's invention has a permanent opening that has dimensions sufficient to allow a tray coupled to the frame to be passed therethrough while oriented in a substantially horizontal position. Applicant respectfully submits that neither Barradas nor Kelsey teach or suggest this limitation and that claims 11 and 16, and claims 12-15 and 17 that depend therefrom, are in condition for allowance.

### *Conclusion*

In view of the foregoing amendments and remarks, applicant respectfully submits that none of the cited references, nor any combination thereof, teaches, suggests, or motivates one of ordinary skill in the art to make the invention as claimed in claims 1-17.

Applicant has made a good faith effort to place this application in condition for allowance. However, should any further matter require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.


Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"

Finally, it does not appear that the Examining Attorney has acknowledged receipt of the Supplemental IDS filed April 6, 2001. Applicant requests confirmation that the Supplemental IDS has been received and considered.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 6, 11, and 16 have been amended as follows:

1. (Twice Amended) A baking rack assembly for an automatic bread making machine comprising:

a frame ~~that is selectively placed into and removed from a baking chamber of an automatic bread making machine, the frame~~ having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member; and

a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of dough ~~that can be proofed or baked on the tray when the frame and trays are positioned within the baking chamber.~~ wherein the frame has a permanent opening between the two sidewalls, the permanent opening having a sufficient width to permit one of the trays to be passed through the opening while oriented in a substantially horizontal position, and wherein the frame can be selectively placed into and removed from a baking chamber as a unit.

6. (Twice Amended) An automatic bread making machine comprising:

a housing having a baking chamber coupled to a source of heat and a baking rack assembly comprising a frame that is selectively placed into and removed from the baking chamber as a unit, the frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member and a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of dough that can be proofed or baked on the tray when the frame and trays are positioned within the baking chamber.

11. (Twice Amended) An automatic bread making machine comprising:

a housing having a baking chamber and a container for receiving bread making ingredients;

a motor for mixing the ingredients within the container to form a dough;

a frame that is selectively placed into and removed from the baking chamber, the frame having two opposing, laterally spaced sidewalls extending upward from and coupled to a base member ~~and having~~ with a plurality of trays coupled to and supported by the two sidewalls of the frame in vertically spaced relation to each other, each tray providing a substantially horizontal support surface for a quantity of the dough, the frame also having a permanent opening between the two sidewalls with dimensions sufficient to permit one of the trays to be passed through the opening while oriented in a substantially horizontal position; and

a heating element coupled to the baking chamber to bake the dough positioned on the trays when the frame and trays are positioned within the baking chamber.

16. (Twice Amended) A method of baking a plurality of portions of dough comprising:

placing ingredients into an automatic bread making machine;

activating a motor of the automatic bread making machine to mix the ingredients to form a quantity of dough;

removing the quantity of dough from the machine;

dividing the quantity of dough into a plurality of portions;

placing the plurality of portions of dough onto a plurality of trays coupled to and supported by opposing sidewalls of a frame in vertically spaced relation to each other;

inserting the frame and trays coupled thereto into a baking chamber of the automatic bread making machine; ~~and~~

activating a heating element of the automatic bread making machine to bake the plurality of portions of dough; and

removing the baked dough away from the frame through a permanent opening of the frame, the opening having dimensions sufficient to permit at least one of the trays to be passed through the opening while oriented in a substantially horizontal position.